

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

RASTELLI PARTNERS, LLC, *et al.*,

Plaintiffs,

v.

JAMES A. BAKER, *et al.*,

Defendants.

Civ. No. 23-2967 (RBK/AMD)

ORDER

DF VENTURES, LLC, *et al.*,

Plaintiffs,

v.

FOFBAKERS HOLDING COMPANY
LLC, *et al.*,

Defendants.

Civ. No. 23-3126 (RBK/AMD)

ORDER

KUGLER, United States District Judge:

THIS MATTER comes before the Court upon Plaintiffs DF Ventures, LLC and Daymond John (together, the “DF Plaintiffs”), and Plaintiffs, Rastelli Partners, LLC, Rastelli Brothers, Inc. d/b/a Rastelli Foods Group, Raymond M. Rastelli, Jr. and Raymond Rastelli III’s (collectively, the “Rastelli Plaintiffs”) (DF Plaintiffs and Rastelli Plaintiffs collectively, “Plaintiffs”) joint Application for Injunctive Relief and a Finding of Contempt (Civ. No. 23-2967, ECF No. 75; Civ. No. 23-3126, ECF No. 85) (the “Application”) against Defendants FOFBakers Holding Company, LLC, Jabez baker, LLC, James A. Baker a/k/a Al Baker, Brittani Bo Baker, and Sabrina Baker (collectively, “Defendants”). On October 23, 2023, this Court

issued an Order to Show Cause (Civ. No. 23-2967, ECF No. 76; Civ. No. 23-3126, ECF No. 86) directing Defendant Brittani Baker to appear in person before this Court to show cause why she should not be held in contempt for violating this Court's Opinion and Order dated July 21, 2023 (Civ. No. 23-2967, ECF Nos. 41–42; Civ. No. 23-3126, ECF Nos. 47–48) (the "July 21 Order"), and it appearing that Brittani Baker was advised by her attorney via email and telephone message that she was required to appear; and

THE COURT OBSERVING that Brittani Baker failed to appear before this Court at a hearing on this matter on October 26, 2023; and

THE COURT FURTHER OBSERVING that its July 21 Order granted a permanent injunction against the Defendants that forever prohibits Brittani Baker, Al Baker, Sabrina Baker, and their officers, agents, servants, employees, and attorneys, as well as any other persons who are in active concert or participation with Brittani Baker, Al Baker, Sabrina Baker, and their officers, agents, servants, employees, and attorneys, from:

1. Making any public comments (whether on any social media platform, through any news outlet, or by any other conceivable means, including, but not limited to, radio and podcast platforms), written or spoken, directly or indirectly, no matter whether Brittani Baker, Al Baker, or Sabrina Baker believes such comments to be true, that would violate the terms of the 2019 Settlement Agreement, meaning any comments that may be considered to disparage or defame Plaintiffs (or any of its members) or any current or prospective employee, vendor, or customer of Plaintiffs (or any of its members) or any entity Plaintiffs (or any of its members) operates, has control of, or has any interest in. This also means those listed above are prohibited from making any public comments (whether on any social media platform, through any news outlet, or by any other

conceivable means, including, but not limited to, radio and podcast platforms), written or spoken, directly or indirectly, no matter whether Brittani Baker, Al Baker, or Sabrina Baker believes such comments to be true, about Plaintiffs or any of its members (including any current or prospective employee, vendor, or customer of Plaintiffs (or any of its members) or any entity Plaintiffs (or any of its members) operates, has control of, or has any interest in) that may be considered in any way negative, disparaging, or false which could adversely impact the reputation, goodwill, credibility, or value of Plaintiffs (or any of its members), or could discourage any current or prospective customers from buying products from them; and

2. Encouraging others, directly or indirectly, from making any comments (whether on any social media platform, through any news outlet, or by any other conceivable means, including, but not limited to, radio and podcast platforms), written or spoken, directly or indirectly, no matter whether any such person believes such comments to be true, that may be considered to disparage, defame, or be in any way negative, disparaging, or false which could adversely impact the reputation, goodwill, credibility, or value of Plaintiffs (or any of its members) or could discourage any current or prospective customers from buying products from them; and

THE COURT FURTHER OBSERVING that its July 21 Order additionally ordered Brittani Baker, Al Baker, and Sabrina Baker to immediately take down and remove certain social media posts; and

THE COURT FINDING that based on its review of Plaintiffs' Application, the supporting documentation attached thereto, and Plaintiffs' letter to the Court dated October 25, 2023 (Civ. No. 23-2967, ECF No. 78), which identifies additional social media posts by Brittani

Baker published after this Court's Order to Show Cause, and having heard the representations of Plaintiffs' and Defendants' counsel at the October 26, 2023, hearing, Brittani Baker's conduct is in flagrant violation of the Court's July 21 Order. Not only has Brittani Baker re-posted content to social media that this Court previously ordered removed, and which she swore in a signed declaration on August 3, 2023, that she had deleted (Civ. No. 23-2967, ECF No. 43-2; Civ. No. 23-3126, ECF No. 50), but she has also posted new material in clear and obvious breach of the permanent injunction; therefore

IT IS HEREBY ORDERED that Brittani Baker is **HELD IN CIVIL CONTEMPT OF COURT**. Brittani Baker has **until 11:59 p.m. on Friday, October 27, 2023, to remove and permanently delete** all public comments (including, but not limited to, social media posts, online petitions, and online fundraising campaigns) that violate this Court's July 21 Order. If she fails to comply with this Order, fines will be assessed against her according to the following schedule:

- Starting Saturday, October 28, 2023, one thousand dollars (\$1,000) for each day that *any* violating public comment remains online.
- Starting immediately, ten thousand dollars (\$10,000) for each new public comment she makes, whether written or spoken, directly or indirectly, and whether on any social media platform, through any news outlet, or by any other conceivable means, including, but not limited to, radio and podcast platforms, that violates this Court's July 21 Order.

Additionally, Brittani Baker is advised that **any further violation may result in more severe sanctions, up to and including a warrant for her arrest and incarceration.**

IT IS HEREBY FURTHER ORDERED that Al Baker and Sabrina Baker have until

5:00 p.m. on Tuesday, October 31, 2023, to make all reasonable efforts to remove and permanently delete all public comments that violate this Court's July 21 Order or, if unsuccessful, to explain to this Court the steps they have taken to do so.

IT IS HEREBY FURTHER ORDERED that this Court will conduct a hearing at the Mitchell H. Cohen Building and U.S. Courthouse, 4th and Cooper Streets, Room 4D, Camden, New Jersey 08101 at 3:00 p.m. on Thursday, November 2, 2023, to consider any further steps and/or sanctions that may be appropriate in this matter. **All defendants, including Brittani Baker, Al Baker, and Sabrina Baker, must appear at the November 2, 2023, hearing unless there has been complete compliance with the Court's orders.**

Dated: October 27, 2023

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge